

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GUARDIAN ANGELS HEALTH SERVICES,
INC., d/b/a GUARDIAN ANGELS CARE CENTER

Employer

and

Case 18-RC-171236

SERVICE EMPLOYEES INTERNATIONAL
UNION HEALTHCARE MINNESOTA

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, Chairman

PHILIP A. MISCIMARRA, Member

LAUREN MCFERRAN, Member

Dated, Washington, D.C., September 16, 2016

¹ In denying review, we observe that the Regional Director relied on *Brusco Tug & Barge, Inc.*, 359 NLRB 486 (2012), which the Board reaffirmed and incorporated by reference in 362 NLRB No. 28 (2015).

In addition, because we find that the Employer's charge nurses do not responsibly direct nursing assistants, due to their lack of accountability for the assistants' performance, it is unnecessary to address the issue of whether they exercise independent judgment in directing the assistants.

Based on the rationales articulated in his separate opinions in *Buchanan Marine, L.P.*, 363 NLRB No. 58 (2015), and *Community Education Centers, Inc.*, 360 NLRB No. 17 (2014), Member Miscimarra would grant review of the Regional Director's determination that the charge nurses lack the authority to direct responsibly exercising independent judgment.